IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34570 of 2007(M)

AGAINST THE ORDER IN EP. 290 /1998 IN
OS.176/1989 of SUB COURT, PATHANAMTHITTA
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PETITIONER:

JAYAPRAKASH, S/O.LATE K.SARALAMMA,
JAYA MOHANAN, ELANTHOOR, PATHANAMTHITTA.

BY ADV. SRI.P.VINODKUMAR
SRI.T.K.AJITH KUMAR

RESPONDENTS:
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1. STATE BANK OF INDIA,
REPRESENTED BY ITS BRANCH MANAGER,PATHANAMTHITTA.

2. M/S. SARAL CRAFT INDIA,
VANITHA INDUSTRIES, ELANTHOOR, REPRESENTED BY ITS SOLE PROPRIETOR, SMT.K.SARALAMMA (DIED).

3. JAYARAJAN,
VALAYATHU HOUSE, ELANTHOOR WEST,
ELANTHOOR, PATHANAMTHITTA.

4. JAYASREE S.NAIR,
SREELAKSHMI MANDIRAM, ELANTHOOR.

5. JAYANTHI S.NAIR,
PRASANTHI, POOTHANKARA, ELANTHOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.34570 of 2007

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Dated this the 22nd day of November, 2007.

JUDGMENT

This Writ Petition is filed for a direction to the first respondent to extent the benefit of one time settlement claim to the petitioner and not to dispossess the petitioner from the property comprised in Sy.No.47/10A/1 of Elanthoor Village, Kozhencherry Taluk. A perusal of the Writ Petition itself would reveal that the decree holder has instituted the suit in the year 1989 and it is knocking on the door of the court for the last 18 years for realisation of the amount due to it under a loan transaction.

2. The present writ petitioner is one of the legal representatives of the original borrower. He had filed a Writ Petition before this Court as W.P.(C) No.2298 of 2005 and on 22.6.2007 he did not press the Writ Petition. He got an interim order early whereby the property was not dispossessed on

payment of Rs.25,000/-. So, the attempt of the writ petitioner appears only to protract the enforcement of the decree and sufficient time is granted by the court and therefore, I see no ground to grant the relief to the writ petitioner.

2. Therefore, the Writ Petition is dismissed. If by provisions of law or circular he is entitled to any concession in the interest, the Bank may consider the same and relieve him of at least that liability.

M.N.Krishnan,
Judge.

ess 24/11